

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADAM GEORGE MOORE,

Plaintiff(s),

vs.

DIAGNOSTIC IMAGING OF SOUTHERN
NEVADA,

Defendant(s).

2:14-cv-01534-RFB-NJK

**REPORT AND
RECOMMENDATION**

This matter is before the Court on Plaintiff's failure to comply with the Court's Order (Docket No. 7). On October 1, 2014, the Court granted Plaintiff's request pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 4. The Court further screened the Complaint pursuant to 28 U.S.C. § 1915(e)(2). *Id.* The Court found that the Complaint failed to state a claim upon which relief could be granted and failed to sufficiently allege federal subject matter jurisdiction existed. *Id.*, at 2-3. The Court allowed Plaintiff an opportunity to amend his Complaint. *Id.*

Plaintiff filed an Amended Complaint on October 30, 2014. Docket No. 6. The Court screened the Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2). Docket No. 7. The Court found that the Amended Complaint failed to state a claim upon which relief could be granted and failed to sufficiently allege federal subject matter jurisdiction existed. *Id.* The Court allowed Plaintiff an opportunity to amend his Amended Complaint, no later than January 5, 2015. *Id.*, at 3. The Order advised Plaintiff that failure to comply would result in a recommendation to the District Judge for dismissal. *Id.*, at 3. Plaintiff has neither complied nor requested an extension of time in which to comply. *See* Docket.

1 Accordingly,

2 **IT IS RECOMMENDED** that this action be DISMISSED without prejudice to Plaintiff's
3 ability to commence a new action in which he either pays the appropriate filing fee in full or submits
4 a completed application to proceed *in forma pauperis*.

5 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment
6 accordingly.

7 **NOTICE**

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after
10 being served with these findings and recommendations, any party may file written objections with
11 the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the
12 findings and recommendations of a magistrate judge shall file and serve *specific written objections*
13 together with points and authorities in support of those objections, within fourteen days of the date
14 of service of the findings and recommendations. The document should be captioned "Objections
15 to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file
16 objections within the specified time may waive the right to appeal the District Court's Order.
17 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the
18 specific written objections are subject to the page limitations found in LR 7-4.

19 Dated: January 16, 2015

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23 NANCY J. KOPPE
24 United States Magistrate Judge
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